

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

DAVID ADENAIKE,	:	CHAPTER 13
	:	
Debtor.	:	BANKRUPTCY NO. 16-13307-amc

ORDER

AND NOW, upon consideration of the Debtor's Amended Motion to Sell Properties Free and Clear of Liens Pursuant to 11 U.S.C. §363(f), and any responses thereto, and after notice and hearing, it is hereby **ORDERED** that:

1. The Motion is **GRANTED**.
2. Pursuant to 11 U.S.C. §363(f)(3), the Debtor is authorized to sell the real properties located at 6140 Vine Street, Philadelphia, PA 19139, and 7431 Elmwood Avenue, Philadelphia, PA 19153 (collectively "the Properties"), free and clear of liens pursuant to 11 U.S.C. §363(f), with all liens to be paid at closing or sufficient funds held by the title agency in escrow for any disputed portion thereof, for the sale prices of \$85,000.00 and \$80,000.00, respectively, to the Buyer, Jacqueline Cooper.
3. At the closing, the closing agent/title clerk shall pay ordinary and usual settlement costs including those related to transfer taxes, notary services, deed preparation, express shipping, surveys, municipal certifications and any other routine costs.
4. At the closing, the closing agent/title clerk shall pay in full all undisputed secured claims to all such creditors.
5. At the closing, the closing agent/title clerk shall also pay the undisputed portion of any disputed claims to the Department of Treasury – Internal Revenue Service and State Financial Network, LLC, and to any other creditors for which claims are disputed. The amount of the undisputed portion of each such creditor's claim and the

amount to be escrowed are as follows:

<u>Creditor</u>	<u>Amount to be Disbursed</u>	<u>Escrow Amount</u>
Internal Revenue Service	\$ 46,678.91	\$ 13,874.07
State Financial Network, LLC	\$ 40,457.37 ¹	\$ 12,894.85
City of Philadelphia (Claims 29, 30)	\$ 9,262.21	\$ 0.00
City of Philadelphia (Post-Petition)	\$ 14,543.92 ²	\$ 0.00

6. In addition to making the disbursements to secured creditors as set forth in paragraph 5 above, which disbursements are sufficient to pay the balance due under all liens of the City of Philadelphia on the Properties, as those lien amounts are updated as indicated in footnote 1, the closing agent/title clerk shall promptly pay the balance due under all liens of the Internal Revenue Service and State Financial Network, LLC on the Properties necessary to give clear title to the Buyer, as the amounts of such liens are ultimately determined by the Court.
7. All liens not paid in full, or the unpaid portions thereof, shall attach to the remaining proceeds of the sale to the same extent and with the same priority that existed immediately prior to the sale.
8. The closing agent/title clerk shall retain all of the remaining proceeds and hold such proceeds in escrow, or if the closing agent/title clerk prefers not to act as escrow agent, shall tender the funds to counsel for the Debtor to be held in counsel's client trust account, pending further Order of Court.

BY THE COURT:



Date: October 16, 2019

HONORABLE ASHELY M. CHAN
UNITED STATES BANKRUPTCY JUDGE

¹ Interest at \$6.70 per diem will be added to this figure for each day between September 12, 2019, and the date of settlement.

² Updated totals will be requested from amountdue@phila.gov and wateramountdue@phila.gov within 10 days of settlement.